17 ✓

MONTANA LEGISLATIVE HISTORY

Chapter 379 19 85

Bill H 519 S _____ Original bill & history ✓ C

H. Committee on	Local Government		S. Committee on	Local Government	
Hearing Date(s)	Feb 12	✓ C	Hearing Date(s)	Mar 21	✓ C
		C		Mar 23	✓ C
		C			C
		C		Mar 25	✓ C
Date Out	Feb 12	✓ C			

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____ Report _____

4/05 TABLED IN COMMITTEE

HB 519 INTRODUCED BY SALES
PAYMENT OF PROPERTY TAXES REQUIRED BEFORE LAND MAY BE DIVIDED

1/28	INTRODUCED		
1/28	REFERRED TO LOCAL GOVERNMENT		
2/12	HEARING		
2/13	COMMITTEE REPORT-BILL DO PASS		
2/16	2ND READING PASS	94	2
2/18	3RD READING PASS	97	2
	TRANSMITTED TO SENATE		
2/19	REFERRED TO LOCAL GOVERNMENT		
3/21	HEARING		
3/25	COMMITTEE REPORT-BILL CONCURRED		
3/28	2ND READING CONCURRED	50	0
3/30	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
4/04	SIGNED BY SPEAKER		
4/04	SIGNED BY PRESIDENT		
4/04	TRANSMITTED TO GOVERNOR		
4/08	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 379 EFFECTIVE DATE: 10/01/85		

HB 520 INTRODUCED BY GRADY, COBB, ET AL.
CLARIFYING PUBLIC DOES NOT HAVE RIGHT TO USE DIVERTED WATER FOR RECREATION

1/28	INTRODUCED		
1/28	REFERRED TO JUDICIARY		
2/11	HEARING		
2/23	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/26	2ND READING PASS	95	0
2/27	3RD READING PASS	96	4
	TRANSMITTED TO SENATE		
3/05	REFERRED TO JUDICIARY		
3/25	HEARING		
3/28	COMMITTEE REPORT-BILL CONCURRED		
3/30	2ND READING CONCURRED	48	0
4/01	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
4/08	SIGNED BY SPEAKER		
4/08	SIGNED BY PRESIDENT		
4/08	TRANSMITTED TO GOVERNOR		
4/10	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 429 EFFECTIVE DATE: 10/01/85		

HB 521 INTRODUCED BY SPAETH, HANNAH
INCREASE PENALTY FOR FOURTH OR SUBSEQUENT DUI CONVICTION

1/28	INTRODUCED
1/28	REFERRED TO JUDICIARY

HOUSE BILL NO. 519

INTRODUCED BY SALES

IN THE HOUSE

January 28, 1985	Introduced and referred to Committee on Local Government.
February 13, 1985	Committee recommend bill do pass. Report adopted.
	Bill printed and placed on members' desks.
February 16, 1985	Second reading, do pass.
	Considered correctly engrossed.
February 18, 1985	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

February 19, 1985	Introduced and referred to Committee on Local Government.
March 25, 1985	Committee recommend bill be concurred in. Report adopted.
March 28, 1985	Second reading, concurred in.
March 30, 1985	Third reading, concurred in. Ayes, 49; Noes, 0.
	Returned to House.

IN THE HOUSE

March 30, 1985	Received from Senate.
	Sent to enrolling.
	Reported correctly enrolled.

HOUSE BILL NO. 519

INTRODUCED BY JALES

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PAYMENT OF PROPERTY TAXES BEFORE A PARCEL OF LAND MAY BE DIVIDED; AMENDING SECTIONS 76-3-207 AND 76-3-303, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-207, MCA, is amended to read:

"76-3-207. Subdivisions exempted from review but subject to survey requirements -- exceptions. (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions of land are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions of land not amounting to subdivisions:

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;

(b) divisions made outside of platted subdivisions for the purpose of a gift or sale to any member of the landowner's immediate family;

(c) divisions made outside of platted subdivisions by sale or agreement to buy and sell where the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes;

(d) a single division of a parcel outside of platted subdivisions when the transaction is an occasional sale;

(e) for five or fewer lots within a platted subdivision, relocation of common boundaries and the aggregation of lots.

(2) Notwithstanding the provisions of subsection (1):

(a) within a platted subdivision filed with the county clerk and recorder, any division of lots which results in an increase in the number of lots or which redesigns or rearranges six or more lots must be reviewed and approved by the governing body, and an amended plat must be filed with the county clerk and recorder;

(b) any change in use of the land exempted under subsection (1)(c) for anything other than agricultural purposes subjects the division to the provisions of this chapter.

(3) No division of land may be made under this section unless the county treasurer has certified that no real property taxes assessed and levied on the land to be divided are delinquent."

Section 2. Section 76-3-303, MCA, is amended to read:

INTRODUCED BILL
HB 519

"76-3-303. Contract for deed permitted if buyer protected. Notwithstanding the provisions of 76-3-301, after the preliminary plat of a subdivision has been approved or conditionally approved, the subdivider may enter into contracts to sell lots in the proposed subdivision if all of the following conditions are met:

(1) that under the terms of the contracts the purchasers of lots in the proposed subdivision make any payments to an escrow agent which must be a bank or savings and loan association chartered to do business in the state of Montana;

(2) that under the terms of the contracts and the escrow agreement the payments made by purchasers of lots in the proposed subdivision may not be distributed by the escrow agent to the subdivider until the final plat of the subdivision is filed with the county clerk and recorder;

(3) that the contracts and the escrow agreement provide that if the final plat of the proposed subdivision is not filed with the county clerk and recorder within 2 years of the preliminary plat approval, the escrow agent shall immediately refund to each purchaser any payments he has made under the contract; ~~and~~

(4) that the county treasurer has certified that no real property taxes assessed and levied on the land to be divided are delinquent; and

LC 0922/01

~~(4)~~(5) that the contracts contain the following language conspicuously set out therein: "The real property which is the subject hereof has not been finally platted, and until a final plat identifying the property has been filed with the county clerk and recorder, title to the property cannot be transferred in any manner."."

-End-

could have a building seven stories high on a small piece of land. In paragraph 2, assessing property on an assessed value is a more fair way of doing it rather than on a square footage. If we go with paragraph 1 instead of 2, we could tax government buildings. He concluded by saying he would oppose the bill as it is written but would support it if the wording is changed.

DISCUSSION OF HOUSE BILL NO. 616: Rep. Sands asked Rep. Jan Brown what kind of empathy this is for tax purposes and liability purposes. Rep. Brown said she would ask Mr. Melby to answer, and he said that as far as liabilities are concerned, there is a provision that limits local governments' liabilities. Rep. Sands then asked for tax purposes, this organization would not pay taxes, to which he was told no, they would not pay taxes. Rep. Sands then asked if he sued the district for negligence and received a judgment, how would he collect that judgment? The answer was that the city commissioners would request the district to carry sufficient liability insurance, and if they do not have sufficient insurance, they would have to have sufficient funds in the budget for this purpose. Rep. Sands also asked if they don't have the funds, could the individuals be liable. The answer was the individual property owners would not be liable or subjected to this.

Rep. Pistoria addressed Al Johnson of Great Falls, and told him he had just gotten a telegram from Steve Dimino, president of Alpha Management Associates, supporting this bill and Rep. Pistoria assumed that Mr. Johnson also came to support it. Mr. Johnson said, in general, he would be in support of the bill. The main problem he has with the bill is there is a provision for the removal of members. Rep. Pistoria asked if this is for a business district or a residential district. The answer was that there was nothing to prevent residential districts from doing this but he didn't know why they would want to.

CONSIDERATION OF HOUSE BILL NO. 519: Rep. Walter Sales, District #76, sponsor of this bill, presented it to the committee. This bill requires payment of property taxes before a parcel of land may be divided. He said this was requested several years ago.

PROPONENTS: Charles Graveley, on behalf of the County Treasurers' Association, stated they are fully in support of this bill. As Rep. Sales indicated, it is to make sure taxes are paid before land can be divided. Page 1, line 18 through line 9 on page 2 lists the types of transfers that are exempted from the subdivision act. This simply closes loopholes. They asked the committee's favorable recommendation as it will go a great distance to require that taxes are paid before plats are filed.

Jim Pritchard of Property Planners, stated this bill will help to keep better records.

Gordon Morris representing the Montana Association of Counties, stated that on behalf of MACO, he would like to go on record in support of HB 519.

There were no opponents to HB 519.

Rep. Sales closed his presentation.

There were no questions from the committee members.

CONSIDERATION OF HOUSE BILL NO. 414: Rep. Iverson of District 12, sponsor, presented the bill to the committee. He said the bill was drafted at the request of two county commissioners. He passed out amendments which he went over. Page 1, line 22, ollowing "specified", insert "for the sheriff". Page 1, line 24, includes longevity. Page 2, line 1, following "salary", strike remainder of line 1 and all of line 2. This is to make sure we are not including longevity.

PROPONENTS: Joe Gottfried of Shelby, said this is their bill. He said that Rep. Iverson pretty well described the part they are really interested in which is the housekeeping part of the bill. He said they are unique in that they are on the Canadian border and 52% of the prisoners are in their county because of their location. This would allow a consolidation from all law enforcements. They would be able to pay their people what they should be paid. In 1979 they were eligible to form a consolidated form of law enforcement. This increased the salaries of the police department, and it took a lot of work from the city police. It also allows for better scheduling of men.

Rae Kalbflech of Shelby passed out written testimony, Exhibit 1, which explains the laws pertaining to sheriffs' salaries and deputies under non-consolidated sheriff departments, as well as laws pertaining to director and employees of consolidated city-county department of public safety.

There were no opponents to HB 414.

In closing, Rep. Iverson stated all they want is the authority to set their own salaries which is the intent of this bill. The reason there are no opponents is that he spent a lot of time with the peace officers to make sure there would be no problem.

CONSIDERATION OF HOUSE BILL NO. 673: Rep. Mike Kadas appeared as sponsor of the bill, which changes the time when a local government may bring a suit challenging the validity and constitutionality of a petition and proposed action. The current law says that a city may file in court to say if a ballot is valid. He says this bill does two things: It sets up front, instead of at the end, to collect signatures for a petition that it is not constitutional, and when a city sues on a problem like this, it has to sue at least 20 of the people who signed

Rep. Gilbert asked Mr. Gebhardt if there is a barrier, the city cannot annex, and Mr. Gebhardt replied no. Rep. Gilbert then asked if he was not concerned about the barriers, to which Mr. Gebhardt replied that he is concerned, and they are looking at the package proposal of the League of Cities and Towns.

Rep. Bergene closed her presentation of HB 385.

The committee then went into executive session for action on bills. However, due to the power being off earlier, the Chairman stated that they would only have 15 minutes of daylight in which to work so they would probably not be able to take action on all bills.

DISPOSITION OF HOUSE BILL NO. 580: Rep. Sales moved to DO PASS HB 580, seconded by Rep. Brown, who also pointed out this was up to 1 mill. Question being called, Rep. Sales' motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 519: Rep. Kadas moved that HB 519 DO PASS, seconded by Rep. Brown. The motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 517: Rep. Hansen moved that HB 517 DO PASS, seconded by Rep. Kadas. Rep. Sales moved to AMEND by inserting "deposit fund in the county trust fund". Rep. Sands asked what the district fund is and Lee Heiman said it is the 6 mills established. Rep. Switzer asked if there is some lack of statutes and is this just a means of raising a $5 fee without putting a border on locating authority, or are they, for some reason, prevented from raising at this time. He was told that all court fees are set. The motion to amend PASSED UNANIMOUSLY.

Rep. Sales then moved the second amendment to change the fee from $5 to $2, seconded by Rep. Sands. Rep. Hansen said she wanted to address the second amendment and spoke in opposition to it. In one county they have to hire one person to handle only those payments. The question being called for, Rep. Sales' motion CARRIED UNANIMOUSLY.

Rep. Sales then moved that HB 517 DO PASS AS AMENDED, seconded by Rep. Fritz. Motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 673: Rep. Kadas moved that HB 673 DO PASS, seconded by Rep. Brown. Rep. Fritz moved to amend 30 days to 10 working days, seconded by Rep. Kadas. Question being called, motion PASSED UNANIMOUSLY. Rep. Brown then moved that HB 673 DO PASS AS AMENDED, seconded by Rep. Wallin. Rep. Brown's motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 414: Rep. Brown moved that HB 414 DO PASS, seconded by Rep. Kadas. Rep. Brown then moved the

CS-30

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date Feb. 12, 198

NAME	PRESENT	ABSENT	EXCUSED
Paula Darko, Chairman	✓		
Norm Wallin, Vice Chairman	✓ late		
Ray Brandewie	✓		
Dave Brown	✓ late		
Harry Fritz	✓		
Stella Jean Hansen	✓		
Bob Gilbert	✓		
Mike Kadas	✓		
Les Kitselman	✓		
Paul Pistoria	✓		
Bing Poff	✓		
Walter Sales	✓		
Jack Sands	✓		
Dean Switzer	✓		

Please attach to minutes.

STANDING COMMITTEE REPORT

February 12, 19 85

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 519

FIRST reading copy (WHITE color)

PAYMENT OF PROPERTY TAXES REQUIRED BEFORE LAND MAY BE DIVIDED.

Respectfully report as follows: That HOUSE Bill No. 519

DO PASS.

PAULA DARKO, Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

VISITORS' REGISTER

Local Government COMMITTEE

BILL NO. HB 519 DATE Feb. 12, 1985

SPONSOR Rep. Sales

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Guy Bruck	Helena LWV	X	
Bill Verwolf	Helena	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CONSIDERATION OF HOUSE BILL 519: Representative Walter Sales, District #76, is the sponsor of this bill. The bill was introduced to require payment of property taxes before a parcel of land may be divided.

PROPONENTS

Mike Stephen, representing the Montana Clerk and Recorders' Association, stated his support of the bill.

Jim Richard, representing the Montana Association of Planners, stated his support of the bill.

Bill Verwolf, representing the Montana League of Cities and Towns, stated his support of the bill.

OPPONENTS

There were no opponents to HB 519.

Chairman Fuller opened the hearing for committee questions.

Senator Crippen asked what would happen if there was a contested tax. Representative Sales said the land could not be divided because the taxes would not have been paid.

The meeting adjourned at 2:30 p.m.

Senator Dave Fuller

Senator Dave Fuller, Chairman

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th ~~48th~~ LEGISLATIVE SESSION -- 1985 Date 3-21-8

SENATE SEAT #	NAME	PRESENT	ABSENT	EXCUSED
13	Senator Crippen, Bruce	✓		
18	Senator Eck, Dorothy	✓		
11	Senator Harding, Ethel	✓		
47	Senator Hirsch, Les	✓		
4	Senator McCallum, George	✓ late		
28	Senator Mohar, John (V.Chair)	✓		
44	Senator Pinsoneault, Dick	✓ late		
19	Senator Regan, Pat	✓		
21	Senator Story, Pete	✓		
43	Senator Fuller, Dave (Chair)	✓		

Each day attach to minutes.

DATE 3-21-85

COMMITTEE ON LOCAL GOV'T

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One Support	Check One Oppose
Robert S. Custer	Mont. Assoc. Reg. Land Surv.	791		✓
Les Hilliard	Laurel Cable TV	980		✓
Tom GLENDENNING	BOZEMAN CABLE TV	890		✓
Ken Watts	Butte Cable TV	890		✓
Les HARRIS	Billings CABLE TV	890		✓
DON Henke	Philipsburg Cable TV	890		✓
Wes Huffman	HELENA CABLE TV	890		✓
Russ Ritter	Mayor of Helena	890		✓
Robert M. McCracken	Mt. Dept of Commerce	791	X	
Doug Rice	Billings MT	890		✓
Joe Leavitt	LWV of Mt - Helena	791	✓	
DON REED	MEIC	791	✓	
STEVE Pilcher	DHES	768	✓	
Jerry Cormody		768 516 519 791	✓	
Don DeShaw	Cable TV of Havre	890		✓
Ken Young	Cable TV Kalispell	890		✓
Mike Stypher	MT Clerk of Records	519		

(Please leave prepared statement with Secretary)

Representative Hart said the Board of Crime Control had questioned whether the term "out of state" needed to be specifically included in the bill. Karen Renne will check into this.

The hearing was closed on HB 900.

ACTION TAKEN ON HOUSE BILL 890: Senator McCallum moved that HB 890 BE NOT CONCURRED IN. The motion passed unanimously. Senator McCallum will carry the Adverse Committee Report.

ACTION TAKEN ON HOUSE BILL 516: Senator Story moved that HB 516 BE CONCURRED IN. The motion passed unanimously. Senator Story will carry the bill.

ACTION TAKEN ON HOUSE BILL 519: Senator Regan moved that HB 519 BE CONCURRED IN. The motion passed with Senator Crippen voting no. Senator Regan will carry the bill.

FURTHER CONSIDERATION OF HOUSE BILL 673: Karen Renne explained the proposed amendments to the bill. They are attached as Exhibit B to these minutes. Amendments one and two were previously adopted by the Committee.

Senator McCallum moved that HB 673 BE NOT CONCURRED IN. The motion failed with Senators McCallum, Hirsch, and Story voting yes and Senators Fuller, Harding, Eck, Mohar, and Regan voting no.

Senator Mohar moved that the proposed amendments to the bill (three through six) be adopted. The motion passed unanimously.

Senator Eck moved that "ten working days" be changed to read "fourteen days". The motion passed unanimously.

Chairman Fuller said the bill would be held until the full Committee was present for the vote.

FURTHER CONSIDERATION OF HOUSE BILL 791: Karen Renne explained the proposed amendments to the bill. They are attached as Exhibit C to these minutes.

Senator Mohar expressed concern that if the intended use was for vehicle access, the local government would still be able to make a determination as to what kind of road they want put in, i.e., gravel or paved.

Senator Story said he feels if land is never intended for vehicular use, the local government should not be required to provide any services to that land.

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th ~~48th~~ LEGISLATIVE SESSION -- 1985

Date 3-23-85

SENATE SEAT #	NAME	PRESENT	ABSENT	EXCUSED
13	Senator Crippen, Bruce			✓
18	Senator Eck, Dorothy	✓		
11	Senator Harding, Ethel	✓		
47	Senator Hirsch, Les	✓		
4	Senator McCallum, George	✓		
28	Senator Mohar, John (V.Chair)	✓		
44	Senator Pinsoneault, Dick			✓
19	Senator Regan, Pat	✓		
21	Senator Story, Pete	✓		
43	Senator Fuller, Dave (Chair)	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

MARCH 25 19 85

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE BILL No. 519

THIRD reading copy (BLUE color)

(REGAN WILL CARRY)

PAYMENT OF PROPERTY TAXES REQUIRED BEFORE LAND MAY BE DIVIDED

Respectfully report as follows: That HOUSE BILL No. 519

BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

Senator Dave Fuller Chairman.